

GAHC010236472024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/3487/2024

JAYNAL ABDIN @ JOYNAL
SON OF LATE SAHALI AKAND
RESIDENT OF VILLAGE BARBALA
POLICE STATION- HOWLY
DISTRICT- BARPETA
ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI- 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI
ASSAM- 781006

3:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER OF INDIA
NIRVACHAN SADAN
ASOKA ROAD
NEW DELHI- 110001

4:THE STATE COORDINATOR OF NRC
OFFICE OF THE STATE COORDINATOR
NRC ASSAM
1ST FLOOR

ACHYUT PLAZA
GS ROAD
BHANGAGARH
GUWAHATI
ASSAM- 781005

5:THE DISTRICT COMMISSIONER
BARPETA
OFFICE OF THE DISTRICT COMMISSIONER BARPETA
MUSLIMPATTY
BARPETA
JOTI GAON
DISTRICT- BARPETA
ASSAM- 781301

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
DOULASHAL-HAJO ROAD
SUNDARIDIA
BARPETA
ASSAM- 781314

7:THE OFFICER IN CHARGE-HOWLY POLICE STATION
AMBARI
BARPETA
DISTRICT- BARPETA
ASSAM- 721316

Advocate for : MS. D GHOSH
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17.12.2024
(K.R. Surana, J)

Heard Ms. D. Ghosh, learned counsel for the petitioner. Also heard Mr. S.S. Roy, learned CGC appearing for respondent no.1, Mr. G. Sarma, learned standing counsel for the FT matters, representing respondent no.2, 4, 6 and 7,

Ms. N. Bedi, learned counsel appearing on behalf of Ms. P. Baruah, learned standing counsel for respondent no.3, Mr. P. Sarma, learned Addl. Senior Govt. advocate appearing for respondent no.5.

2. The learned counsel for the applicant has renewed her prayer for seeking release of the applicant from the detention camp at Matia, Goalpara, wherein he is detained since 07.08.2024 pursuant to opinion dated 10.05.2023, passed by the learned Member, Foreigners' Tribunal No.6th, Barpeta, in F.T. Case No. 56/2018.

3. Prayer for bail is opposed by the learned standing counsel for the FT matters on the ground that although the applicant had liberty of proving his case but he did not appear for his cross-examination and therefore, having been declared as a foreigner, the petitioner is not entitled to release on bail.

4. Considering that the applicant has been taken into custody since 07.08.2024 and has suffered detention for more than 4 (four) months, the Court is of the considered opinion that the applicant, namely, Jaynal Abdin @ Joynal be released on bail subject to compliance of the following conditions:

- a. The family members of the applicant shall appear before the Superintendent of Police (Border), Barpeta and furnish bail bond of Rs.5,000/- (Rupees five thousand only) with 2 (two) solvent sureties of like amount to the satisfaction of the said authority.
- b. Before the releasing the applicant on bail, the Superintendent of Police (Border), Barpeta shall obtain the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner.
- c. The said authority shall also obtain necessary information and

documentation as required under the Rules from the applicant for securing his presence.

5. Thereafter, steps shall be taken by the Superintendent of Police (Border), Barpeta to have the applicant released from the detention centre within 3 (three) days from the date of receipt of certified copy of this order.

6. As a further condition of bail, the applicant is directed not to leave the territorial jurisdiction of Superintendent of Police (Border), Barpeta without prior written intimation to the said authority, failing which, it would be open to the Superintendent of Police (Border), Barpeta to move this Court for cancellation of bail.

7. This interlocutory application stands allowed.

JUDGE

JUDGE

Comparing Assistant